

By: Kacal

H.B. No. 4538

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of beekeeping; imposing fees and authorizing other fees; expanding the applicability of an occupational permit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 131.001, Agriculture Code, is amended by amending Subdivisions (2), (3), (5), (6), and (8) and adding Subdivisions (8-a) and (12-a) to read as follows:

(2) "Apiary" means a place where ~~[six or more]~~ colonies of bees or nuclei of bees are kept.

(3) "Beekeeper" means a person who owns, leases, possesses, controls, or manages one or more colonies of bees for any ~~[pollination or the production of honey, beeswax, or other by-products, either for]~~ personal or commercial purpose ~~[use]~~.

(5) "Colony" means a distinguishable localized population of bees in which one or more life stages may be present ~~[the hive and its equipment and appurtenances including bees, comb, honey, pollen, and brood]~~.

(6) "Director" means the director of ~~[the]~~ Texas A&M AgriLife Research ~~[Agricultural Experiment Station]~~.

(8) "Equipment" means hives, supers, frames, veils, gloves, tools, machines, vacuums, or other devices for the handling and manipulation of bees, honey, pollen, wax, or hives, including~~[,]~~ storage or transportation ~~[transporting]~~ containers

1 for pollen, honey, or wax, or other apiary supplies used in the  
2 operation of an apiary or honey house.

3 (8-a) "Hive" means a box or other shelter containing a  
4 colony of bees.

5 (12-a) "Package bees" means live bees in cages without  
6 combs or honey used in forming a new colony.

7 SECTION 2. Section 131.003, Agriculture Code, is amended to  
8 read as follows:

9 Sec. 131.003. CONFLICTS OF INTEREST. (a) A person may not  
10 serve as chief apiary inspector or be an assistant of the chief  
11 apiary inspector if the person is an officer, employee, or paid  
12 consultant of a trade association in the beekeeping industry.

13 (b) A person may not serve as chief apiary inspector or be an  
14 assistant of the chief apiary inspector of the grade 17 or over,  
15 including exempt employees, according to the position  
16 classification schedule under the General Appropriations Act, if  
17 the person cohabits with or is the spouse of an officer, managerial  
18 employee, or paid consultant of a trade association in the  
19 beekeeping industry.

20 SECTION 3. Section 131.004(b), Agriculture Code, is amended  
21 to read as follows:

22 (b) The chief apiary inspector shall provide to the chief  
23 apiary inspector's ~~his~~ assistants and inspectors, as often as is  
24 necessary, information regarding their qualifications under this  
25 chapter and their responsibilities under applicable laws relating  
26 to standards of conduct for state officers or employees.

27 SECTION 4. Sections 131.007(b) and (c), Agriculture Code,

1 are amended to read as follows:

2 (b) The inspector shall prepare information of public  
3 interest describing the functions of the agency and describing the  
4 procedure by which complaints are filed with and resolved by the  
5 agency [~~inspector~~]. The inspector shall make the information  
6 available to the general public and appropriate state agencies.

7 (c) The inspector shall adopt rules establishing methods by  
8 which consumers and service recipients can be notified of the name,  
9 mailing address, and telephone number of the agency [~~inspector's~~  
10 ~~office~~] for the purpose of directing complaints to the inspector.  
11 The inspector may provide for the notification by including the  
12 information:

13 (1) on each registration or application form submitted  
14 by a person regulated under this chapter;

15 (2) on a sign which is prominently displayed in the  
16 place of business of each person regulated under this chapter; or

17 (3) in a bill for services or goods provided by a  
18 person regulated under this chapter.

19 SECTION 5. Section 131.008(b), Agriculture Code, is amended  
20 to read as follows:

21 (b) If a written complaint is filed with the inspector  
22 regarding [~~relating to~~] a beekeeper who is not in compliance with  
23 this chapter or rules adopted [~~regulated~~] under this chapter, the  
24 inspector shall notify the parties to the complaint, at least  
25 quarterly and until final disposition of the complaint, of the  
26 status of the complaint, unless notice would jeopardize an  
27 undercover investigation.

1 SECTION 6. The heading to Subchapter B, Chapter 131,  
2 Agriculture Code, is amended to read as follows:

3 SUBCHAPTER B. DISEASE AND PEST CONTROL

4 SECTION 7. Section 131.021, Agriculture Code, is amended to  
5 read as follows:

6 Sec. 131.021. POWERS AND DUTIES OF CHIEF APIARY INSPECTOR.

7 (a) For the purpose of enforcing this chapter, the chief apiary  
8 inspector may:

9 (1) adopt rules and act as necessary to control,  
10 eradicate, or prevent the introduction, spread, or dissemination of  
11 contagious or infectious diseases, pests, or invasive species of  
12 bees;

13 (2) prohibit the shipment or entry into this state of  
14 bees, honey, combs, pollen, or other items capable of transmitting  
15 diseases, pests, or invasive species of bees from another state,  
16 territory, or foreign country except in accordance with rules  
17 adopted by the inspector; and

18 (3) seize and order the destruction, treatment, or  
19 sale of a colony of bees, equipment, pollen, or honey that is  
20 determined to contain invasive species of bees or pests, be  
21 diseased, infectious, or abandoned, or be in violation of this  
22 chapter or a rule or quarantine adopted under this chapter.

23 (b) For purposes of this section, apiaries, equipment, or  
24 bees are considered infectious if:

25 (1) the bees are not hived with movable frames or are  
26 not stored so as to prevent the possible spread of disease or pests;

27 or

1           (2) the bees, equipment, or apiary generally comprise  
2 a hazard or threat to disease control in the beekeeping industry.

3           SECTION 8. Section 131.022(a), Agriculture Code, is amended  
4 to read as follows:

5           (a) If the chief apiary inspector determines that the public  
6 welfare or protection of the beekeeping industry requires the  
7 establishment of a quarantine, the inspector may:

8           (1) declare a protective quarantine of a district,  
9 county, precinct, or other defined area in which a disease of bees,  
10 a pest of bees, or an invasive [~~a deleterious exotic~~] species of  
11 bees is not known to exist or in which the disease, pest, or  
12 invasive [~~exotic~~] species of bees is being eradicated in accordance  
13 with this subchapter; or

14           (2) declare a restrictive quarantine of a district,  
15 county, precinct, or other defined area in which a disease of bees,  
16 a pest of bees, or an invasive [~~a deleterious exotic~~] species of  
17 bees is located.

18           SECTION 9. Section 131.023, Agriculture Code, is amended to  
19 read as follows:

20           Sec. 131.023. SALE OF QUEEN BEE AND ATTENDANTS, PACKAGE  
21 BEES, COLONIES, AND NUCLEI. A person may not sell or offer for sale  
22 a queen bee and attendant bees, package bees, colonies, nuclei, or  
23 queen cells in this state unless the bees are accompanied by:

24           (1) a copy of a certificate from the chief apiary  
25 inspector certifying that the apiary from which the bees were  
26 [~~queen bee was~~] shipped has been inspected not more than 12 months  
27 before the date of shipment and found apparently free from disease;

1 or

2 (2) a copy of an affidavit made by the beekeeper  
3 stating that[+]

4 [~~(A)~~] to the beekeeper's [~~his~~] knowledge, the  
5 bees are not diseased[~~, and~~

6 [~~(B) the honey used in making the candy contained~~  
7 ~~in the queen cage has been diluted and boiled for at least 30~~  
8 ~~minutes in a closed vessel].~~

9 SECTION 10. Section 131.024(c), Agriculture Code, is  
10 amended to read as follows:

11 (c) If the inspector sells bees, equipment, pollen, or honey  
12 at a public auction under this section, the inspector shall return  
13 the proceeds of the sale to the former owner, if known, after  
14 deducting the costs of the sale.

15 SECTION 11. Section 131.025, Agriculture Code, is amended  
16 to read as follows:

17 Sec. 131.025. REPORTABLE DISEASES, PESTS, AND INVASIVE  
18 SPECIES OF BEES [~~DUTY TO REPORT DISEASED BEES~~]. (a) The chief  
19 apiary inspector shall maintain and publish a list of reportable  
20 diseases, pests, and invasive species of bees.

21 (b) If a beekeeper knows that a colony of bees has a  
22 reportable disease or contains a reportable pest or invasive  
23 species of bees [~~is diseased~~], the beekeeper shall immediately  
24 report to the chief apiary inspector all facts known about the  
25 affected [~~diseased~~] bees.

26 SECTION 12. Section 131.041, Agriculture Code, is amended  
27 to read as follows:

1           Sec. 131.041. PERMIT           FOR           INTERSTATE           MOVEMENT

2 [~~IMPORTATION~~]. (a) A person may not ship or cause to be shipped  
3 bees or equipment into or out of this state unless the person has a  
4 permit issued by the chief apiary inspector authorizing the  
5 shipment.

6           (b) A permit issued under this section applies to all  
7 shipments made by the beekeeper and expires on August 31 following  
8 the date the permit is issued. The term of a permit may not exceed  
9 one year.

10          (c) A person may apply for a permit under this section by  
11 filing an application with the inspector. A person may apply for a  
12 permit at any time, but a person must apply for a permit before the  
13 10th day preceding the date of a [~~the~~] shipment if the person does  
14 not hold a permit on the 10th day preceding the date of the  
15 shipment. An application for a permit must include all information  
16 required by the chief apiary inspector.

17          (d) A shipment originating outside this state requires:

- 18           (1) [~~a complete description of the shipment,~~  
19           [~~(2) the destination of the shipment,~~  
20           [~~(3) the approximate date of the shipment,~~  
21           [~~(4) the names and addresses of the consignor and~~  
22 ~~consignee, and~~

23           [~~(5)~~] a certificate of inspection signed by the  
24 official apiary inspector or entomologist of the state, territory,  
25 or country from which the bees are to be shipped before the shipment  
26 may enter the state; or

27           (2) an inspection of the shipment by the chief apiary

1 inspector of Texas not more than 12 months before the date of the  
2 shipment.

3 (e) [~~(e)~~] A certificate of inspection for a permit required  
4 by Subsection (d)(1) [~~(b)(5) of this section~~] must certify that the  
5 bees or equipment are apparently free from disease, pests, and  
6 invasive species of bees based on an actual inspection conducted  
7 not more than 12 months before the date of the shipment. If the bees  
8 or equipment are to be shipped into this state from a state,  
9 territory, or country that does not have an official apiary  
10 inspector or entomologist:

11 (1) [~~(1)~~] the person shipping the bees or equipment may  
12 provide other suitable evidence that the bees and equipment are  
13 free from disease, pests, and invasive species of bees; or

14 (2) the bees may be shipped into this state under  
15 quarantine and the person receiving the shipment shall have the  
16 bees inspected not later than the 30th day after the date the bees  
17 enter this state.

18 (f) [~~(d)~~] If a person files an application in accordance  
19 with Subsection (c) [~~(b) of this section~~] and the inspector is  
20 satisfied that the shipment or shipments to which the permit  
21 applies do [~~does~~] not pose a threat to disease and pest control in  
22 the beekeeping industry, the inspector shall issue a permit  
23 [~~authorizing the shipment~~].

24 (g) [~~(e)~~] This section does not apply to a shipment of  
25 package [~~live~~] bees [~~in wire cages without combs or honey~~].

26 (h) The inspector shall charge a fee for each permit issued  
27 under this section. The inspector shall set the fee at an amount



1 that is reasonable in relation to the costs of administering this  
2 section.

3 SECTION 13. Section 131.044, Agriculture Code, is amended  
4 to read as follows:

5 Sec. 131.044. CERTIFICATE OF INSPECTION. (a) A person who  
6 wants a certificate of inspection for bees, equipment, pollen, or  
7 honey must ~~[file a written]~~ request ~~[for]~~ the inspection from  
8 ~~[with]~~ the chief apiary inspector.

9 (b) On receipt of a request, the inspector shall authorize  
10 the inspection of the bees, equipment, pollen, or honey for the  
11 presence of disease, pests, and invasive species of bees.

12 (c) If a disease, pest, or invasive species of bees is not  
13 found in the bees, equipment, pollen, or honey, the inspector shall  
14 certify in writing that the bees, equipment, pollen, or honey is  
15 apparently free from disease, pests, and invasive species of bees.

16 (d) The inspector shall charge fees for inspections  
17 requested under this section. The inspector shall set the fees in  
18 amounts that are reasonable in relation to the costs of  
19 administering this section~~[, but at not less than the following~~  
20 ~~amounts:~~

21 ~~[(1) for each inspection of an apiary or group of~~  
22 ~~apiaries, except a queen apiary, located within an area of 100~~  
23 ~~square miles . . . . . \$ 50~~

24 ~~[(2) for an inspection of a queen apiary or group of~~  
25 ~~queen apiaries located within an area of 100 square miles . . . \$200~~

26 ~~[(3) for each additional inspection of a queen apiary~~  
27 ~~or group of queen apiaries located within an area of 100 square~~

1 ~~miles . . . . . \$ 50].~~

2 (e) The beekeeper of [~~diseased~~] bees or equipment that  
3 contain a reportable disease, pest, or invasive species of bees  
4 shall pay an additional fee, in a reasonable amount set by the  
5 inspector at not less than [~~that~~] \$25, for each subsequent  
6 inspection that the inspector determines is necessary to contain,  
7 treat, or eradicate the disease, pest, or invasive species of bees.

8 SECTION 14. Section 131.045, Agriculture Code, is amended  
9 to read as follows:

10 Sec. 131.045. BEEKEEPER [~~APIARY~~] REGISTRATION. (a) Each  
11 beekeeper in this state may register on an annual basis with the  
12 [~~The~~] chief apiary inspector [~~may provide for the periodic~~  
13 ~~registration of all apiaries in this state~~]. A registration under  
14 this section expires August 31 following the date the registration  
15 is issued.

16 (b) A registration must include:

17 (1) information required by the chief apiary  
18 inspector [~~the beekeeper's name, address, and telephone number~~];  
19 and

20 (2) the county or counties in which the beekeeper  
21 operates [~~apiary will be located, and~~

22 [~~(3) the approximate dates that the apiary will be~~  
23 ~~located in each county~~].

24 (c) The inspector may require a beekeeper to submit with the  
25 registration information a map showing the exact location of each  
26 of the beekeeper's apiaries. A map submitted under this section is  
27 a trade secret under Chapter 552, Government Code, and may not be

1 disclosed.

2 (d) Except as provided by Subsection (e), the chief apiary  
3 inspector may charge a fee for each registration issued under this  
4 section. The inspector shall set the fee at an amount that is  
5 reasonable in relation to the costs of administering this section.  
6 The chief apiary inspector may establish separate registration  
7 categories for purposes of setting and collecting fees under this  
8 section.

9 (e) The chief apiary inspector may not charge a fee for a  
10 registration made solely for the purpose of Section 1951.056,  
11 Occupations Code.

12 SECTION 15. Section 131.046(a), Agriculture Code, is  
13 amended to read as follows:

14 (a) Fees collected under this subchapter shall be deposited  
15 in the State Treasury [~~to the credit of a special fund to be known as~~  
16 ~~the bee disease control fund to be used only to defray the costs of~~  
17 ~~administering and enforcing this chapter~~].

18 SECTION 16. The heading to Subchapter D, Chapter 131,  
19 Agriculture Code, is amended to read as follows:

20 SUBCHAPTER D. BRANDING AND IDENTIFICATION OF HIVES [~~APIARY~~  
21 ~~EQUIPMENT~~]

22 SECTION 17. Section 131.061, Agriculture Code, is amended  
23 to read as follows:

24 Sec. 131.061. IDENTIFICATION REQUIRED. (a) Except as  
25 provided by Subsection (b), a [A] person may not operate an apiary  
26 in this state unless the hives are [apiary equipment is]:

27 (1) clearly and permanently [~~indelibly~~] marked with

1 the name [~~and address~~] of the person as provided by Section 131.064;  
2 [~~or~~]

3 (2) branded in accordance with Section 131.064 [~~of~~  
4 ~~this code~~] with a brand registered to the person by the chief apiary  
5 inspector; or

6 (3) identified by a weatherproof sign posted within  
7 the apiary containing the name and contact information or the brand  
8 number of the person managing the apiary, printed in lettering at  
9 least one inch high.

10 (b) An apiary at the principal residence of a beekeeper is  
11 exempt from the requirements of Subsection (a).

12 SECTION 18. Section 131.062, Agriculture Code, is amended  
13 to read as follows:

14 Sec. 131.062. BRAND; REGISTRATION. (a) The chief apiary  
15 inspector shall maintain a system of registration of beekeeper  
16 [~~apiary equipment~~] brands to identify equipment used by the [a]  
17 beekeeper [in an apiary]. The inspector shall assign a brand number  
18 to each beekeeper when the beekeeper registers under Section  
19 131.045.

20 (b) Each brand shall consist of seven [~~three~~] numbers  
21 separated by hyphens, with the first number signifying that the  
22 brand is a state-registered brand, the next three numbers [~~second~~  
23 ~~number~~] identifying the registrant's county of residence, and the  
24 last three numbers [~~third number~~] identifying the registrant.

25 SECTION 19. Section 131.064, Agriculture Code, is amended  
26 to read as follows:

27 Sec. 131.064. MANNER OF AFFIXING NAME OR BRAND TO HIVES

1 ~~[EQUIPMENT]~~. A name or brand must be affixed to a hive ~~[registrant~~  
2 ~~shall affix the registered brand to his or her apiary equipment]~~ by  
3 burning, ~~[or]~~ pressing, painting, or otherwise permanently marking  
4 the name or brand, in figures at least one-half ~~[three-quarters]~~ of  
5 an inch high, into the wood or other material in a manner that shows  
6 the identification of the hive ~~[equipment]~~. The ~~[registrant shall~~  
7 ~~affix the]~~ name or brand must be affixed on one or both ends of the  
8 hive. ~~[On other equipment, including a frame, intercover, top,~~  
9 ~~bottom, or plank, the registrant may affix the brand in any place.]~~

10 SECTION 20. Section [131.101](#), Agriculture Code, is amended  
11 to read as follows:

12 Sec. 131.101. ENFORCEMENT AUTHORITY. The chief apiary  
13 inspector is the official responsible for enforcing Subchapters B,  
14 C, and D ~~[of this chapter]~~. The ~~[Texas]~~ Department of State Health  
15 Services is the agency responsible for enforcing Subchapter E ~~[of~~  
16 ~~this chapter]~~.

17 SECTION 21. Section [131.102](#)(b), Agriculture Code, is  
18 amended to read as follows:

19 (b) The ~~[Texas]~~ Department of State Health Services may  
20 enter at a reasonable hour any public or private premises,  
21 including a building, depot, express office, storeroom, vehicle, or  
22 warehouse, in which bees, equipment, pollen, or honey may be  
23 located to determine whether a violation of Subchapter E ~~[of this~~  
24 ~~chapter]~~ has occurred or is occurring.

25 SECTION 22. The heading to Section [131.121](#), Agriculture  
26 Code, is amended to read as follows:

27 Sec. 131.121. DISEASE AND PEST CONTROL.

1 SECTION 23. Section 131.121(a), Agriculture Code, is  
2 amended to read as follows:

3 (a) A person commits an offense if the person:

4 (1) violates a provision of Section 131.022 or 131.023  
5 ~~[of this code]~~;

6 (2) fails to report reportable diseases, pests, or  
7 invasive species of ~~[diseased]~~ bees in accordance with Section  
8 131.025 ~~[of this code]~~;

9 (3) ships or causes bees or equipment to be shipped  
10 into this state ~~[or between counties in this state]~~ without the  
11 permit required by Section 131.041 ~~[or 131.043 of this chapter]~~;

12 (4) violates a rule, order, or quarantine of the chief  
13 apiary inspector adopted under this chapter;

14 (5) prevents or attempts to prevent an inspection of  
15 bees, equipment, pollen, or honey under the direction of the  
16 inspector under this chapter;

17 (6) prevents or attempts to prevent the discovery or  
18 treatment of bees with reportable diseases or pests or the  
19 discovery of a reportable invasive species of ~~[diseased]~~ bees;

20 (7) interferes with or attempts to interfere with the  
21 inspector in the discharge of the duties under this chapter;

22 (8) as the owner or keeper of a ~~[diseased]~~ colony of  
23 bees that has a reportable disease or contains a reportable pest or  
24 invasive species of bees, barter, gives away, sells, ships, or  
25 moves the ~~[diseased]~~ bees, equipment, pollen, or honey or exposes  
26 other bees to the reportable disease, pest, or invasive species of  
27 bees; or

1           (9) exposes honey, pollen, hives, frames, combs, bees,  
2 or appliances from a colony of bees known to have a reportable  
3 disease or contain a reportable pest or invasive species of bees [~~be~~  
4 ~~diseased~~] in a manner that provides access to other bees [~~;~~  
5           ~~(10) sells, offers for sale, barter, gives away,~~  
6 ~~ships, or distributes honey or pollen taken from a colony of~~  
7 ~~diseased bees~~].

8           SECTION 24. The following provisions of the Agriculture  
9 Code are repealed:

- 10           (1) Section 131.002(c);  
11           (2) Section 131.042;  
12           (3) Section 131.043;  
13           (4) Section 131.063(b);  
14           (5) Section 131.065(c); and  
15           (6) Section 131.104(d).

16           SECTION 25. The changes in law made by this Act apply only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense occurred  
23 before that date.

24           SECTION 26. This Act takes effect September 1, 2023.